

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA | : | |
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| - against - | : | 18 Cr. 36 (JPO) |
| | : | |
| DAVID MIDDENDORF, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |
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**DECLARATION OF ALEXANDRA R. CLARK IN SUPPORT OF DEFENDANT DAVID
MIDDENDORF'S MOTION FOR A BILL OF PARTICULARS
AND TO COMPEL THE PRODUCTION OF *BRADY* MATERIAL**

ALEXANDRA R. CLARK, pursuant to 28 U.S.C. § 1746, hereby declares under the penalty of perjury as follows:

1. I am an associate at the law firm Petrillo Klein & Boxer LLP, counsel for David Middendorf, who is a defendant in these proceedings. I submit this Declaration in support of Mr. Middendorf's motion for an Order requiring the government to file a bill of particulars pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, and for an Order compelling the government to produce information in its possession in order to comply with its disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny.

2. Attached are:

- a. Exhibit A, a true and correct copy of a letter from Nelson A. Boxer to the government dated February 5, 2018;
- b. Exhibit B, a true and correct copy of a letter from the government to Nelson A. Boxer dated February 13, 2018;
- c. Exhibit C, a true and correct copy of an excerpt of a transcript of the January 5, 2018 proceedings held before United States Magistrate Judge Robert W. Lehrburger in *United States v. Sweet*, 18 Cr. 00008 (S.D.N.Y.);

- d. Exhibit D, a true and correct copy of a letter from Nelson A. Boxer to the government dated March 27, 2018; and
- e. Exhibit E, a true and correct copy of a January 22, 2018 Order signed by United States District Judge Katherine B. Forrest in *United States v. Sweet*, 18 Cr. 00008 (S.D.N.Y.), attaching a letter from Brian Sweet to Judge Forrest dated January 18, 2018.

Dated: May 24, 2018
New York, New York

Respectfully submitted,


Alexandra R. Clark